MONTANA LEGISLATIVE HISTORY

Chapter 79 19 81

Bill H _____ S 73 Original bill & history ✓ C

H. Committee on Human Services

Hearing Date(s) 3-4 ✓ C

_____ C

_____ C

_____ C

Date Out _____ C

S. Committee on Public Health

Hearing Date(s) 1-14 ✓ C

1-19 ✓ C

_____ C

_____ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Senate BILL NO. 73

INTRODUCED BY McCallum

BY REQUEST OF

THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTOMATICALLY ASSIGN SUPPORT RIGHTS OF PERSONS APPLYING FOR PUBLIC ASSISTANCE TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Application for assistance -- assignment of support rights. (1) Applications for public assistance, including but not limited to aid to dependent children and medical assistance, must be made to the county department of public welfare in the county in which the person is residing. The application shall be submitted, the manner and form prescribed by the department, and shall contain information required by the department.

(2) Effective at the time of application, a person by signing an application for public assistance, assigns to the department and to the county welfare department all rights the applicant may have to support and medical payments from any other person in his own behalf or in behalf of any other family member for whom application is made.

(3) The assignment:

(a) is effective for both current and accrued support and medical obligations;

(b) takes effect upon a determination that the applicant is eligible for public assistance;

(c) remains in effect with respect to the amount of any unpaid support obligation accrued under the assignment that was owed prior to the termination of public assistance to a recipient.

Section 2. Codification instruction. Section 1 is intended to be codified as an integral part of Title 53, chapter 2, part 6, and the provisions of Title 53, chapter 2, apply to section 1.

Section 3. Effective date. This act is effective on passage and approval.

-End-

INTRODUCED BILL
SB 73

INTRODUCED: 1/7
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/7
HEARING: 1/12
REPORT: 1/13, DO PASS
2ND READING: 1/15, DO PASS
3RD READING: 1/17, YEAS: 45; NAYS 0

TRANSMITTED TO HOUSE: 1/17
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/19
HEARING: 3/4
REPORT: 3/5, BE CONCURRED IN, AS AMENDED
2ND READING: 3/9, YEAS: 78; NAYS: 0
3RD READING: 3/12, YEAS: 94; NAYS: 2

RETURNED TO SENATE WITH AMENDMENTS: 3/12
2ND READING: 3/17, BE NOT CONCURRED
ON MOTION, 3/17, FREE CONFERENCE COMMITTEE APPOINTED

FREE CONFERENCE COMMITTEE REPORT NO. 1: 3/18
SENATE 2ND READING: 3/25, DO PASS
SENATE 3RD READING: 3/26, YEAS: 48; NAYS: 3
HOUSE 2ND READING: 3/28, YEAS: 70; NAYS: 0
HOUSE 3RD READING: 3/31, YEAS: 97; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/8/81
ACTION: 4/13, SIGNED
CHAPTER 336

SB 73 -- MCCALLUM -- ASSIGNING SUPPORT RIGHTS TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES.
INTRODUCED: 1/8
REFERRED TO COMMITTEE ON PUBLIC HEALTH: 1/8
HEARING: 1/14
REPORT: 1/19, DO PASS AS AMENDED
2ND READING: 1/27, DO PASS
3RD READING: 1/29, YEAS: 47; NAYS: 3

TRANSMITTED TO HOUSE: 1/29
REFERRED TO COMMITTEE ON HUMAN SERVICES: 1/30
HEARING: 3/4
REPORT: 3/5, BE CONCURRED IN
2ND READING: 3/9, YEAS: 77; NAYS: 3
3RD READING: 3/11, YEAS: 95; NAYS: 3

RETURNED TO SENATE: 3/11
TRANSMITTED TO GOVERNOR: 3/16/81
ACTION: 3/18
CHAPTER 79

SB 74 -- THOMAS -- REPEALING 22-1-411 RELATING TO LIBRARY FEDERATION FUNDING.
INTRODUCED: 1/8
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 1/8
RE-REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/13
HEARING: 1/22
REPORT: 1/29, DO PASS
2ND READING: 1/30, DO PASS
3RD READING: 2/2, YEAS: 5[illegible]

TRANSMITTED TO HOUSE: 2/2

47TH LEGISLATIVE SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
SB 37	1-5	1-14,19	1-19	1-19					
SB 65	1-6	PICKED UP BY JEAN FALLAN ON 1-8							
SB 73	1-8	1-14,19	1-19			1-19			
SB 127	1-15	1-21,26	1-26			1-26			
SB 129	1-15	2-6,20	2-20			2-20			
SB 137	1-15	2-4,11 1-28,	2-11			2-11			
SB 193	1-20	1-26,2-20	2-20	2-20					
SB 195	1-20	1-26,2-20	2-20			2-20			
SB 212	1-21	1-30,2-4	2-4			2-4			
SB 228	1-22	1-30.2-4	2-4			2-4			
SB 230	1-23	1-28,2-2	2-2	2-2					
SB 241	1-23	2-2,4	2-4	2-4					
SB 251	1-26	2-2,9	2-9		2-9				
SB 310	1-29	2-4	2-4			2-4			
SB 314	1-29	2-6,20	2-20	2-20					
SB 332	1-30	2-6,20	2-20		2-20				

Use a separate sheet for Senate, House Bills, and Resolutions.

Montana, especially because environmental factors have entered the picture.

William Leary of the Montana Hospital Association stated his support of SB 37, however, he did offer some amendments (See attachment)

Dr. John Anderson of the Department of Health Administrator stated his support of the bill. He does not feel, however, that the hospitals need to be reimbursed for handing the reports.

Chad Smith of the Montana Hospital Association stated his support of the bill with the offered amendments of his group.

There were no opponents to the bill.

Senator Himsl closed by saying that the requirements and the cost of this program is a small price to pay in the desperate battle against cancer. Senator Himsl urged favorable consideration of the bill from the committee.

The meeting was opened to a question and answer period from the committee. Discussion was held. Tumor will mean malignant. The cost of computer processing will be $2.30 per report and be going up to $2.55 per report as of the first of July of 1981.

CONSIDERATION OF SENATE BILL 73: Senator George McCallum of Senate District 12, sponsor of the bill, gave a brief resume. This bill is an act to automatically assign support rights of persons applying for public assistance to the Department of Social and Rehabiliation Services, and providing an effective date.

Judy Carlson from the S.R.S. stated her support of the bill and stated that this bill would assign rights when application is made for Medicaid, and also child support. It would further emphasize the right of the state to collect payments due from parents or from insurance companies for medical bills paid by Medicaid. This bill would allow the SRS to reduce their error rate, decrease their paperwork and also decrease the possibility of fiscal penalties This bill meets the federal requirements for the assignment of support rights. It meets the goals for more efficient and effective operations. It meets the goals for providing care for the needy by collecting from those who have the resources to pay. It further cements the duty of parents to support their children. Mrs. Carlson asked for favorable consideration of the bill.

There were no opponents to the bill.

In closing Senator McCallum offered some amendments from the S.R.S. to help the bill be more efficient.

The amendments would be as such: (1) Title, line 8; Following: "THE"; Insert: "STATE, THE" (2) Title, line 8; Following: "SERVICES" Insert: "AND THE COUNTY WELFARE DEPARTMENT" (3) Page 1, line 20 Following: "2" Strike: "Effective at the time of application, a" Insert: "A" (4) Page 1, line 21 Following: "the" Insert: "state, the" (5) Page 1, line 22 Following: "department" Insert: "," (6) Page 2 line 7 Following: "support" Insert: "and medical".

DISPOSITION OF SENTATE BILL 73: A motion was made by Senator Norman that the above proposed amendments be accepted. Seconded by Senator Johnson. Motion carried. (See attachment.)

A motion was made by Senator Norman that Senate Bill 73 be given a "DO PASS,AS AMENDED" recommendation from the Committee. Motion carried Unanimously. (see attachment)

ADJOURN: With no further business at this time the meeting was adjourned with the next meeting to be held on Monday, January 19, 1981 at 1:00 p.m. in Room 410.

CHAIRMAN, Senator Tom Hager

eg

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date JANUARY 14

NAME	PRESENT	ABSENT	EXCUSED
Tom Hager	✓		
Matt Himsl	✓		
S. A. Olson	✓		
Jan Johnson	✓		
Dr. Bill Norman			
Harry K. Berg	✓		
Michael Halligan	✓		

Each day attach to minutes.

Testimony on S.B. 73 - An Act to
Automatically Assign Support Rights of Persons Applying for Public Assistance

The Department of Social and Rehabilitation Services fully supports this proposed legislation. Federal law requires that each applicant for Aid to Dependent Children sign over any child support which may be due. This amount is used to pay back county, state, and federal money used in the ADC grant.

The present process goes like this. The applicant comes to the county welfare office to apply. The county eligibility technician has about fifteen different forms for the applicant to sign. One is a form giving the state all rights to child support. SRS then refers the case to the Department of Revenue, Child Support Enforcement Bureau, for investigation. From then on, it is up the the Department of Revenue to determine whether or not child support action is possible, to pursue it, and to collect the money for deposit in the General Fund.

So what's the problem? The problem is that we have over 200 eligibility technicians throughout the 56 counties. Because of turnover, some are new and may miss part of the standard procedure. And because of the large amount of paperwork involved, the assignment form may be missed. This form must be signed not only at application time but each time there is a redetermination of eligibility - at least once every six months.

As a result, the state's error rate, our "mistake rate," is higher than it needs to be. When we check our own work, through our quality control program, we find mistakes and the federal government may penalize the state for those mistakes.

This bill also assigns similar rights when application is made for Medicaid. It would further emphasize the right of the state to collect

payments due from parents or from insurance companies for medical bills paid by Medicaid.

If passed, this law will automatically allow us to reduce our error rate, decrease our paperwork, and decrease the possibility of fiscal penalties.

We have been assured by the federal officials that this bill meets federal requirements for the assignment of support rights. It meets our goals for more efficient and effective operations. It meets the goals for providing care for the needy but collecting from those who have the resources to pay. It further cements the duty of parents to support their children.

The Department of Social and Rehabilitation Services solicits your favorable consideration of this bill.

Judith H. Carlson
Deputy Director, SRS

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE & SAFETY
MONTANA STATE SENATE

JANUARY 19, 1981

The meeting of the Public Health, Welfare & Safety Committee was called to order by Chairman Tom Hager on Monday, January 19, 1981 at 1:00 p.m. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present. Kathleen Harrington, staff researcher, was also present.

DISPOSITION OF SENATE BILL 73: This bill is an act to automatically assign support rights of persons applying for public assistance to the Department of Social and Rehabilitation Services, and providing an immediate effective date. Senator Hager pointed out that at the last Committee Meeting, the Committee had neglected to amend the title of this bill to correspond with the rest of the bill. The amendments would be: 1) Title, line 8; Following: "THE"; Insert: "STATE, THE". 2) Title, line 8; Following: "SERVICES"; Insert: ",AND THE COUNTY WELFARE DEPARTMENT".

A motion was made by Senator Norman to accept the above amendments nos. 1 & 2. Motion carried.

A motion was made by Senator Halligan to give the recommendation of as amended of this date, DO PASS from the Committee. Motion carried unanimously.

DISPOSITION OF SENATE BILL 37: This bill is an act to establish a Montana Tumor Registry and to require reporting by hospitals of information on patients with tumors. The amendments submitted by the Montana Hospital Association were reviewed. Each amendment was reviewed seperately.

Amendment #1: Page 2, line 2; Following: "shall"; Insert: "make records available to personel from the Montana Tumor Registry established by (Section 5) or" . Senator Himsl stated that several hospitals are now participating in the registering of tumors, however, several of the smaller hospitals are not. This bill would make the records more complete. Senator Johnson asked how many people would the state have to hire to do the reports. If the amendment were adopted several hospitals would expect the state to come in and make out the reports. Senator Himsl did not feel that the reports would be too burdensome for the hospitals.

STANDING COMMITTEE REPORT

January 19 19 81

MR. President:

We, your committee on Public Health, Welfare & Safety

having had under consideration Senate Bill No. 73

Respectfully report as follows: That Senate Bill No. 73

introduced bill was unanimously passed as amended.

1. Title, line 8
Following: "THE"
Insert: "STATE, THE"

2. Title, Line 8
Following: "SERVICES"
Insert: "AND THE COUNTY WELFARE DEPARTMENT"

3. Page 1, line 20
Following: "(2)"
Strike: "Effective at the time of application, a"
Insert: "A"

4. Page 1, line 21
Following: "the"
~~XXX PASS~~ Insert: "state, the"

Continued

Chairman.

STATE PUB. CO.
Helena, Mont.

5. Page 1, line 22
Following: "department"
Insert: ","

6. Page 2, line 7
Following: "support"
Insert: "and medical"

And, as so amended, DO PASS

Senator Tom Hager Chairman.

STATE PUB. CO.
Helena, Mont.

STATUS SHEET

SENATE BILLS

HUMAN SERVICES COMMITTEE

1981 Legislature (47th Legislative Session)

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 73	To automatically assign support rights of persons applying for public assistance to the Dept. of SRS; and providing an immediate effective dage.	1/30	McCallum	3/4	BE CONCURRED IN	3/4
SB 117	To allow a youth under jurisdiction of the youth court to petition for placement in a home other than a youth guidance home if none have been established in a dist.	1/30	Dover	3/4	AS AMENDED BE CONCURRED IN	3/4
SB 127	To clarify the role of the radiologic technologist in Montana	1/31	Norman	3/4	AS AMENDED BE CONCURRED IN	3/4
SB 37	To establish a Montana tumor registry and to require reporting by hospitals of information on patients with tumors.	1/31	Himsl	3/4	AS AMENDED BE CONCURRED IN	3/4
SB 230	An act to allow physical therapists to evaluate without referral.	2/7	Hager	3/6	AS AMENDED BE CONCURRED IN	3/12
SB 310	To reestablish the board of medical examiners under existing statutory auth. & rules; adding public members to the bd; changing terms; modifying rpting require.	2/11	S. Brown	3/13	BE CONCURRED IN	3/13

Form CS-32
1-79

HUMAN SERVICES COMMITTEE MEETING
March 4, 1981

The Human Services Committee convened at 12:30 p.m., March 4, 1981 in Room 103 of the Capitol, with CHAIRMAN BUDD GOULD presiding. All members were present except REPRESENTATIVES BARDANOUVE and MENAHAN.

SB 73
SENATOR McCALLUM opened the hearing on SB 73, which allows in the case of divorce that any Aid For Dependent Children payments will be turned over to the Department of Social and Rehabilitation Service (SRS) and part of the money will go back to the county, according to McCALLUM. This would accomplish payment for medical expenses, he said.

PROPONENTS:
JUDY CARLSON, deputy director of SRS, presented written testimony in favor of SB 73 (EXHIBIT I).

OPPONENTS:
There were none.

QUESTIONS FROM THE COMMITTEE:

REPRESENTATIVE BRAND asked if there was misuse of the money by the parents. JUDY CARLSON said the problem is that people are supposed to sign the form and the department follows up on the case, but the signing has been missed on occasion. The provisions of this bill would correct that problem, she said.

REPRESENTATIVE BRAND asked why there was a problem in collecting the money. CARLSON said that mistakes are made due to an overload in the processing of required forms. This will do away with one form, she said.

REPRESENTATIVE BENNETT asked why the title and lines 23 and 24 contain the words "and to the county welfare department". CARLSON said that, in reviewing this with the Department of Revenue which collects the child support, she was told that the department personnel have been challenged about their rights to collect such payments.

SENATOR McCALLUM closed the hearing.

SB 117
SENATOR DOVER opened the hearing on the bill, the purpose of which is to provide a home for a child under the jurisdiction of the youth court. The bill would allow the child to petition for placement in a home other than a youth guidance home. He told of a case in which a child wanted to live with and would have been better off living with her grandparents, but the parents contested the case. After some litigation, the child was finally allowed to live with the grandparents.

JOHN FOSTER, chief probation officer for several districts, testified

3. Page 3, lines 2 through 14.
Strike: Section 7 in its entirety
Renumber: subsequent section

REPRESENTATIVE BENNETT moved to further AMEND SB 37 providing that consent be given by the patient to release the information.

The amendments CARRIED UNANIMOULSY.

REPRESENTATIVE MANNING MOVED the bill BE CONCURRED IN AS AMENDED. The motion was seconded and PASSED UNANIMOUSLY.

REPRESENTATIVE SWITZER was appointed to CARRY THE BILL.

SB 73.
REPRESENTATIVE SEIFERT MOVED the bill DO PASS. The motion was seconded and PASSED UNANIMOUSLY.

REPRESENTATIVE SEIFERT was appointed to CARRY THE BILL.

SB 117.
REPRESENTATIVE MANNING moved the bill BE CONCURRED IN. RUSS JOSEPHSON, legislative researcher, told the committee that there should be an amendment to clarify the placement of a child.

REPRESENTATIVE METCALF MOVED an amendment as follows:

Page 1, line 13.
Following: "home"
Insert: "or any other court-approved home"

REPRESENTATIVE KEYSER seconded the amendment and it PASSED UNANIMOUSLY.

REPRESENTATIVE MANNING MOVED that SB 117 BE CONCURRED IN AS AMENDED. The motion carried UNANIMOUSLY.

REPRESENTATIVE MANNING will CARRY THE BILL.

SB 127.
REPRESENTATIVE KEYSER MOVED THE bill DO PASS.

REPRESENTATIVE BRAND asked about the "supervision" portion of the bill. He thought there was some confusion in that area because "specific direction" was used on page 1, and "the radiologist must be immediately available within the x-ray department" was stated on page 2.

RUSS JOSEPHSON said the two referred to two different applications and were, therefore, worded in a different way. He felt the language was correct.

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